

### **III. Remarks**

#### **A. Background**

The following is intended to provide the Examiner a short background on the invention. This background does not intend to, nor have the effect of, defining the meaning of particular claim terms. The background discusses certain facets of the invention pertaining to certain claims (e.g., dependent claims) that do not pertain to other claims (e.g., independent claims). The background discusses certain aspects disclosed in the specification but not specifically recited in the pending claims.

The invention is generally directed to providing data objects resulting in “phonepages” (e.g., with visual and/or audio content) which are rendered to a calling A-party or a called B-party in connection with a telephone connection. Generally, the phonepages are rendered in response to a call trigger event, such as a call being made, a call being answered, a call resulting in a busy signal, a party being put on hold, a call being terminated, and so forth. Just by way of example, a busy signal call trigger event occurring when A-party (“Bob”) calls B-party (“Paul”) might result in Bob seeing Paul’s phonepage which states “This is Paul, I’m busy right now but I’ll call you back shortly!” If Bob places Paul on hold during the call, that placed-on-hold trigger event may result in Paul seeing Bob’s phonepage which states “This is Bob, you’re on hold--I’ll be right back!”

One disadvantage of conventional approaches to phonepages is that they rely entirely on the use of calling line identification (CLI, sometimes referred to as “caller ID” in the U.S.) type data to retrieve phonepages. Drawbacks to this include the fact that (1) not all communication systems (e.g., mobile communication networks) support CLI, and

(2) even if a network supports CLI, the calling A-party may not have selected it as an option so it is unavailable to support phonepages, and (3) even if a network supports CLI, and even if the calling A-party's plan has the CLI option, the calling A-party may wish to exert control over the distribution of his/her phonepages so that not every called B-party gets to view/hear the A-party's phonepages.

Focusing on (3), consider the hypothetical where the A-party's (Bob) introductory phonepage is a light-hearted image of Bob in a clown suit from a birthday party intended for friends and family. If Bob's phonepage is accessible through his CLI (public phone number) information, then when Bob calls his boss to say he will not be in at work that day because of illness, his boss may see a phonepage that Bob does not wish his boss to see. Thus, the invention addresses this issue by providing phonepages that are accessible in a manner other than by automatically-provided CLI information, and particularly in some cases, in a manner where a calling A-party's phonepages are not made available to a called B-party's phonepages unless the A-party has requested the B-party's phonepages.

**B. Claim Amendment**

Applicant has amended claims 1-7 and 9-13. Claim 8 has been cancelled without waiver or disclaimer. New claims 14-17 have been added. No new matter is presented with this amendment.

**C. The Rejections**

The Examiner has rejected claims 1-5, 7-9, and 11-13 under § 102(e) based on U.S. Pat. No. 5,946,684 ("Lund").

The Examiner appears to have applied Lund to reject claim 6 as well.

The Examiner has rejected claim 10 based on Lund in view of U.S. Pat. No. 5,398,279 (“Frain”).

Lund is generally directed to the conventional approach to providing data objects (e.g., phonepages) that has the disadvantages that the present invention avoids. In Lund, a calling A-party calls a called B-party. The called B-party then receives the calling line information (CLI), i.e., the “telephone number,” of the calling A-party. Using the A-party’s CLI information as an address (direct or indirect), the A-party’s phone page is looked up and provided to the B-party. See Lund, Abstract. In Lund’s Figure 5, the A-party CLI is used as an indirect address by first using it to locate a corresponding URL, which is then used to look up the A-party phone page. In Lund’s Figure 6, the A-party CLI is used as a direct address to access the A-party’s phone page. In all cases, Lund provides that (a) the automatically-provided CLI information of the A-party is used to provide the A-party’s phonepage to the B-party, and (b) the B-party’s access to the A-party’s phonepage is unrelated to whether the A-party requested the B-party’s phonepage.

**First Set of Claims: Independent Claim 1 and Dependent Claims 2-3 and 15-17:**

Lund clearly does not teach or suggest the invention of independent claim 1 as amended. Claim 1 provides that “as a result of the first request by the first communication device” (e.g., A-party) for the data object of the other party (e.g., the phonepage of the B-party), information of the A-party is provided that enables the B-party to access the phonepage of the A-party. This feature is not remotely suggested by Lund, where the A-party’s phonepage is always available to the B-party as a matter of course using the A-party’s automatically-provided CLI data. In the claimed invention, the information

provided to allow the B-party to access the A-party's phonepage results from the A-party requesting the B-party's phone page. This approach is not remotely contemplated in Lund.

Claim 2, which depends from claim 1, is patentable over Lund for at least the same reasons.

Claim 3, which depends from claim 1, specifically provides that the data object (e.g., phonepage) provided to the second device (e.g., B-party) is rendered "without using calling line identification [CLI] information" of the first device (e.g., A-party). Lund teaches the exact opposite because Lund teaches that the A-party's phonepage is always rendered using the A-party's CLI information. See Lund, Figures 5-6.

New claims 15-17 depend from claim 1, and are patentable over Lund for at least the same reasons.

The secondary reference of Frain applied by the Examiner in the First Office Action does not cure the deficiencies of Lund because Frain is simply directed to storing CLI numbers and counting the number of times people call. See Frain, Abstract. Thus, Frain is not directed to the present invention at all.

**Second Set of Claims: Independent Claim 4 and Dependent Claims 5-13**

Independent claim 4 is patentable over Lund for substantially the same reasons as set forth for claim 1 above. In claim 4, the request for a data object (e.g., phonepage of the A-party) by the second party (e.g., B-party) is fulfilled only if the A-party had requested a phonepage of the B-party. As set forth above, Lund provides that the A-party's phonepages are provided to the B-party as a matter of course without any connection as to

whether the A-party had requested the phonepage of the B-party. Lund teaches away from the invention defined by claim 4.

Claim 5 is patentable over Lund for at least the same reasons as claim 4.

Claim 6 is patentable over Lund for at least the same reasons as claim 4, as well as the additional reason set forth above for claim 3. In the First Office Action (see page 3), the Examiner referred to Lund at Col. 3, lines 56-62. However, that section of Lund simply relates to Lund's Figure 6 (discussed above), where the A-party's CLI is used to directly address the phonepage (instead of using the CLI to index a URL then used to get the phonepage). Thus, Lund at Col. 3, lines 56-62 does use the CLI to access the phonepage (data object), whereas claim 6 provides that the phonepage is provided without using the CLI.

Claims 7 and 9-13 are patentable over Lund for at least the same reasons as claim 4.


The secondary reference of Frain applied by the Examiner in the First Office Action does not cure the deficiencies of Lund because Frain is simply directed to storing CLI numbers and counting the number of times people call. See Frain, Abstract. Thus, Frain is not directed to the present invention at all.

#### **IV. Conclusion**

Applicant respectfully submits that the application is in condition for allowance and respectfully requests a notice of allowance for the pending claims. Should the Examiner determine that any further action is necessary to place this application in condition for allowance, the Examiner is kindly requested and encouraged to telephone Applicant's undersigned representative at the number listed below.

This response to the Office Action is being filed before the expiration of three (3) months from the date of the Office Action. Therefore, it is believed that no extension fees are required. If any additional fees are deemed necessary, Applicant hereby provides authorization to charge such fees against deposit account 50-0206. If any refunds are due, Applicant hereby provides authorization to credit such refunds against the deposit account.

Respectfully submitted,

  
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Stephen T. Schreiner  
Reg. No. 43,097

Date: **March 22, 2004**  
Hunton & Williams (Phone: 202-955-1500)  
1900 K Street, N.W.  
Washington, D.C. 20006-1109